

HOUSE BILL NO. 5

INTRODUCED BY D. ANKNEY

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

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A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2015; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE LONG-RANGE BUILDING PROGRAM ACCOUNT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 10], unless otherwise stated, the following definitions apply:

(1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, and university funds.

(2) "Capital project" means the acquisition of land or improvements or the planning, capital construction, environmental cleanup, renovation, furnishing, or major repair projects authorized in [sections 1 through 10].

(3) "LRBP" means the long-range building program account in the capital projects fund type.

(4) "Other funding sources" means money other than LRBP money, state special revenue fund, or federal special revenue money that accrues to an agency under the provisions of law.

(5) "SBECF funds" means funds from the state building energy conservation program account in the capital projects fund type.

NEW SECTION. **Section 2. Capital projects appropriations and authorizations.** (1) The following money is appropriated to the department



1 of administration for the indicated capital projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose
 2 of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund types for these
 3 projects:

4 Agency/Project	LRBP	State	Federal	Other	Authority	Total
5	Fund	Special	Special	Funding	Only	
6		Revenue	Revenue	Sources		
7 DEPARTMENT OF ADMINISTRATION						
8 Repair Corrections Department Parking Structure	450,000					450,000
9 Install Safety Handrails in Capitol	200,000	200,000				400,000
10 State special revenue funds consist of general services division internal service funds.						
11 Upgrade Scott Hart HVAC system, Phase 2		1,500,000				1,500,000
12 State special revenue funds consist of general services division internal service funds.						
13 MONTANA SCHOOL FOR THE DEAF AND BLIND						
14 Building Repairs and Improvements, MSDB, Great Falls	195,000					195,000
15 DEPARTMENT OF JUSTICE						
16 Upgrade Water Supply System - Montana Law Enforcement Academy	400,000					400,000
17 DEPARTMENT OF CORRECTIONS						
18 Construct Low Side Units, MSP Deer Lodge	26,000,000					26,000,000
19 DEPARTMENT OF FISH, WILDLIFE, AND PARKS						
20 Hatchery Maintenance		575,000				575,000
21 Administrative Facilities Repair and Maintenance		1,325,000				1,325,000



1	DEPARTMENT OF MILITARY AFFAIRS			
2	Vault Modifications, Statewide		780,000	780,000
3	Upgrade Sewer/Water Service, AFRC, Kalispell	250,000	750,000	1,000,000
4	Replace Readiness Center, Malta	400,000	15,000,000	15,400,000
5	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES			
6	Repair Sewage Collection System, Warm Springs	1,520,000		1,520,000
7	DEPARTMENT OF TRANSPORTATION			
8	Equipment/Office Buildings, Statewide		5,200,000	5,200,000
9	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
10	Major Repairs & Small Projects, Statewide	300,000		300,000
11	Repair Unit Residences, Statewide		100,000	100,000

12 (2) The \$400,000 of LRPB funds contained in subsection (1) for the replacement of the Malta readiness center must be utilized for the acquisition
 13 of land for the facility. The appropriation of \$15,000,000 of federal special revenue funds for this project is contingent upon the department of military affairs
 14 completing the acquisition of land by June 30, 2015. If land is not acquired by this date, the \$400,000 reverts to the general fund.

15 (3) Up to \$600,000 of any unexpended or unencumbered funds approved for the construction of low side units at Montana state prison contained
 16 in subsection (1) may be reappropriated for the renovation of laundry facilities at Montana state prison project contained in [section 3] upon final acceptance
 17 of the low side units.

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19 **NEW SECTION. Section 3. Capital improvements.** (1) The following money is appropriated to the department of fish, wildlife, and parks in the
 20 indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the
 21 purpose of authorization:



1	Agency/Project	LRBP	State	Federal	Other	Authority	Total
2		Fund	Special	Special	Funding	Only	
3			Revenue	Revenue	Sources		
4	Parks Program		3,084,000	1,200,000			4,284,000
5	Future Fisheries		790,000				790,000
6	FAS Site Protection		1,050,000	800,000			1,850,000
7	Upland Game Bird Program		746,000				746,000
8	Grant Programs/Federal Projects		218,000	5,000,000			5,218,000
9	Wildlife Habitat Maintenance		970,000				970,000
10	Dam Maintenance		50,000				50,000
11	Community Fishing Ponds		50,000				50,000
12	Forest Management Project		32,000				32,000

13 (2) Authority is being granted to the Montana university system in the amount of \$9,000,000 and to the department of administration in the amount
 14 of \$2,000,000 for the purpose of making capital improvements to campus facilities. Authority-only funds may include federal special revenue, donations,
 15 grants, and higher education funds. All costs for the operations and maintenance of any new improvements constructed under this authorization must
 16 be paid by the Montana university system from nonstate sources:

17	Agency/Project	LRBP	State	Federal	Other	Authority	Total
18		Fund	Special	Special	Funding	Only	
19			Revenue	Revenue	Sources		
20	General Spending Authority, MUS All Campuses					11,000,000	11,000,000

21 (3) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements

1 to statewide facilities. All costs for the operation and maintenance of any new improvements constructed with these funds must be paid by the department
 2 of military affairs from nonstate sources:

3 Agency/Project	LRBP	State	Federal	Other	Authority	Total
4	Fund	Special	Special	Funding	Only	
5		Revenue	Revenue	Sources		
6 Federal Spending Authority			2,500,000			2,500,000

7 (4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements
 8 as indicated:

9 Agency/Project	LRBP	State	Federal	Other	Authority	Total
10	Fund	Special	Special	Funding	Only	
11		Revenue	Revenue	Sources		
12 Statewide Maintenance, Repair and Small Projects		2,100,000				2,100,000

13 (5) The following money is appropriated for the indicated capital projects to the department of environmental quality and the department of
 14 administration from state building energy conservation funds and other indicated sources. Funds not requiring legislative appropriation are included for
 15 the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund
 16 types for these projects:

17 Agency/Project	LRBP	State	Federal	Other	Authority	Total
18	Fund	Special	Special	Funding	Only	
19		Revenue	Revenue	Sources		
20 DEPARTMENT OF ADMINISTRATION						
21 Repair and Upgrade Capitol HVAC Systems		1,400,000				1,400,000



1 State special revenue funds consist of SBECF funds in the amount of \$500,000 and of general services division internal service funds in the amount
 2 of \$900,000.

3 DEPARTMENT OF ENVIRONMENTAL QUALITY

4 Energy Improvements, Statewide	1,900,000	1,900,000
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5 State special revenue funds consist of SBECF funds.

6 DEPARTMENT OF CORRECTIONS

7 Repair and Upgrade Building Systems,

8 Pine Hills Youth Correctional Facility	511,000	500,000	1,011,000
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9 State special revenue funds consist of SBECF funds.

10 Renovate Laundry Facilities, Montana State Prison, Deer Lodge	600,000	600,000	1,200,000
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11 State special revenue funds consist of SBECF funds.

12 Authority-only funds consist of proprietary funds.

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14 **NEW SECTION. Section 4. Land acquisition appropriations.** The following money is appropriated to the department of fish, wildlife, and parks
 15 in the indicated amounts for purposes of land acquisition, land leasing, easement purchase, or development agreements:

16 Agency/Project	LRBP	State	Federal	Other	Authority	Total
17	Fund	Special	Special	Funding	Only	
18		Revenue	Revenue	Sources		
19 Habitat Montana		9,930,000				9,930,000
20 Fishing Access Site Acquisition		230,000	100,000			330,000
21 Bighorn Sheep Habitat		210,000				210,000



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NEW SECTION. **Section 5. Transfer of appropriations.** The department of fish, wildlife, and parks and the department of transportation are authorized to transfer the appropriations and authority in [sections 3 and 4], as appropriate, among the necessary fund types for these projects.

NEW SECTION. **Section 6. Planning and design.** The department of administration may proceed with the planning and design of capital projects prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of funding from another funding source.

NEW SECTION. **Section 7. Capital projects -- contingent funds.** If a capital project is financed in whole or in part with appropriations contingent upon the receipt of funding from another funding source, the department of administration may not let the project for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

- (1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [section 2] for that project; or
- (2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2015 biennium long-range building program presented to the 63rd legislature.

NEW SECTION. **Section 8. Review by department of environmental quality.** The department of environmental quality shall review capital projects authorized in [section 2] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after the review.

1 NEW SECTION. **Section 9. Fund transfer.** The department of administration shall transfer the amount of \$16,300,000 from the state general
2 fund to the long-range building program account in the capital projects fund type by June 30, 2014.

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4 NEW SECTION. **Section 10. Legislative consent.** The appropriations authorized in [sections 1 through 9] constitute legislative consent for the
5 capital projects contained in [sections 1 through 9] within the meaning of 18-2-102.

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7 NEW SECTION. **Section 11. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect.
8 If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid
9 applications.

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11 NEW SECTION. **Section 12. Effective date.** [This act] is effective on passage and approval.

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